THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.9467 OF 2003

ORAL ORDER:

The petitioner herein is the Sarpanch of Oglapuram Gram Panchayat. By order, dated 7.3.2003, passed by the 2nd respondent, the petitioner was placed under suspension with immediate effect under Section 249 (6) of the A.P. Panchayat Raj Act, 1994, on the ground of alleged misappropriation of funds. The said order has been challenged in this writ petition contending that the alleged misappropriation of funds is absolutely false and without any basis. At any rate, since the impugned order of suspension was passed without conducting any enquiry, it is contended that the impugned order being arbitrary, illegal and violative of the principles of natural justice is liable to be set aside on that ground alone.

This Court while directing *Rule nisi* by order dated 13.5.2005 suspended the impugned order, which continued to be in operation although. No counter-affidavit has been filed on behalf of the respondents opposing the writ petition.

Having heard the learned counsel for the petitioner, and having accepted the uncontradicted averments in the writ petition, the impugned order is set aside and the writ petition is disposed of leaving it open to the respondents to take appropriate action following due process of law, in case necessity thereof arises. No costs.

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(G. ROHINI, J.)

1st August, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.9467 OF 2003

1st August, 2007.

Between:

D. Kumaraswamy. .. Petitioner.

And

The Commissioner of Panchayat Raj and
Rural Development, A.P., Hyderabad and others. .. Respondents.